

Applicants: Ron S. Israeli et al.
U.S. Serial No.: 08/403,803
Filing Date: March 17, 1995
Page 5

Rejection under 35 U.S.C. 112, second paragraph

The Examiner rejected claims 110-111, 113-115, and 119-126 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner stated that claims 110-111 recite an antigenic prostate specific membrane antigen polypeptide having within its structure consecutive amino acids having the following sequences...SEQ ID NO:35, SEQ ID NO:36, and SEQ ID NO:37. The Examiner stated that the metes and bounds of the claim are unclear because it is uncertain, according to the claim wording, whether consecutive amino acids refer to the internal order of each amino acid within a SEQ ID NO such that the claimed nucleic acid encodes within itself SEQ ID NOs:35-37 as a whole SEQ ID NO, but in no particular order, and with intervening nucleotides between the encoding sequences; or if the encoding nucleotides for SEQ ID NOs:35-37 must be consecutive with the coding nucleotides for SEQ ID NO:36 and the coding nucleotides for SEQ ID NO:36 must be consecutive with the coding nucleotides for SEQ ID NO:37, etc. The Examiner stated the grounds of this rejection could be obviated by deleting "consecutive amino acids having".

The Examiner stated that claims 113-115 and 119-120 are vague and indefinite because "the sequence of an [the] outside region" or "the sequence of the antigenic outside region" are not defined because it is not known what the boundary line between inside and outside is (alpha helical residues, beta sheets, internal twists, intracellular-transmembrane-extracellular domains, etc.). The Examiner stated if Applicant is intending to claim the encoding

Applicants: Ron S. Israeli et al.
U.S. Serial No.: 08/403,803
Filing Date: March 17, 1995
Page 6

sequence for the extracellular membrane region of an antigenic prostate specific membrane antigen polypeptide, the grounds of this rejection could be obviated by reciting the residues of SEQ ID NO:2 that make up the extracellular membrane region and indicating in the disclosure where support for such would be found.

In response, applicants respectfully traverse the Examiner's above rejection. With respect to the Examiner's rejection regarding "consecutive amino acids," applicants have hereinabove canceled claims 111-112 without prejudice or disclaimer to their right to pursue the subject matter of these claims in a later-filed application and amended claims 114-115 as discussed in the interview. Newly amended claims 114-115 recite "comprises **each of** the following sequences..." [emphasis added]. Accordingly, from the wording of the newly amended claims, it is even clearer that the polypeptide must merely comprise each of the listed sequences. The sequences need not be consecutive within the polypeptide.

With respect to the Examiner's comments regarding the "outside region," applicants have hereinabove amended claims 113-115 and 119-120 as discussed in the interview. Newly amended claims 113-115 and 119-120 recite in part "outside region of prostate specific membrane antigen, the amino acid sequence of which outside region is **set forth within SEQ ID NO:2 beginning with amino acid number 45 at the amino terminus...**" [emphasis added]. Accordingly, the outside region is sufficiently defined by its amino acid sequence, i.e. the sequence set forth in SEQ ID NO:2 beginning with amino acid number 45 at the amino terminus. Applicants contend that these amendments and remarks obviate the above rejection and respectfully request that the Examiner reconsider and withdraw this ground of rejection.

Applicants: Ron S. Israeli, et al.
U.S. Serial No.: 08/470,735
Filed: June 6, 1995
Page 7

Supplemental Information Disclosure Statement

In accordance with their duty of disclosure under 37 C.F.R. §1.56, applicants direct the Examiner's attention to the following references which are listed on the PTO-1449 form attached hereto as **Exhibit A**. A copy of these references are attached hereto as **Exhibit 1-2**.

1. U.S. Patent No. 6,136,311, issued October 24, 2000
(Exhibit 1); and
2. U.S. Patent No. 6,150,508, issued November 21, 2000
(Exhibit 2).

In compliance with 37 C.F.R. §1.97(e)(2), no item of information contained in this supplemental information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to filing this supplemental information disclosure statement.

Pursuant to 37 C.F.R. §1.97(c)(1), no fee is deemed necessary in connection with the filing of this Supplemental Information Disclosure Statement. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

U.S. Serial No. 08/242,404

Pursuant to their duty of disclosure under 37 C.F.R. §1.56 and as discussed in the interview, applicants disclose the existence U.S.

Applicant: Ron S. Israeli, et al.
U.S. Serial No.: 08/403,803
Filing Date: March 17, 1995
Page 8

Serial No. 08/242,404, filed May 13, 1994, licensed to Cytogen Corp, which is also the licensee of the subject application.

Summary

For the reasons set forth hereinabove, applicants respectfully request that the Examiner reconsider and withdraw the various grounds of objection and rejection and earnestly solicit allowance of the now pending claims, i.e. claims 100-105 and 113-126

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone at the number provided below.


No fee, other than the enclosed \$195.00 fee for a two-month extension of time, is deemed necessary in connection with the filing of this Amendment. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125

Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.



1-16-01

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